

Remarks/Arguments

This Supplemental Amendment is submitted as a supplement to the Amendment filed on November 6, 2009, and further to address the substantive rejections in the Office Action dated May 7, 2009. The Office Action has been carefully reviewed, and the following remarks herein, combined with the remarks in the Amendment filed November 6, 2009, are considered responsive thereto.

Original claims 1–21 were examined and rejected via an initial Office Action dated August 5, 2008. In reply to the initial Office Action, original claims 1–21 were canceled and new claims 22–44 were presented via an Amendment filed on February 5, 2009. Claims 22–44 were examined and are pending in this application, prior to entry of this Supplemental Amendment. A final Office Action was issued on May 7, 2009, and an Amendment in response to the final Office Action was filed on November 6, 2009, to address the 35 U.S.C. § 101 rejections contained in the final Office Action. In the present Supplemental Amendment, independent claim 22 has been amended to overcome the bases of rejection asserted in the final Office Action and further to place the claim in condition for allowance. Additionally, dependent claims 25, 28, 29, 31–35, 39–42, and 44 have been amended, primarily due to the substantive amendments made to independent claim 22. Further, new independent claim 53 has been added, as well as new dependent claims 45–52 and 54–56. Claims 23, 24, 26, 27, 30, 36–38, and 43 have been canceled by this Amendment.

It is submitted that no new matter is presented by this Amendment, as all claim amendments and new claims are properly supported by the application as originally filed. This Amendment is believed to have corrected all deficiencies so that a Notice of Allowance can be promptly issued.

Claim Rejections – 35 U.S.C. § 103

In the Office Action, claims 22–23 and 25–44 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Chapman et al.* (U.S. Patent No. 6,879,959) in view of *Little et al.* (U.S. Patent No. 5,350,509), and in further view of *Provost et al.* (U.S. Patent No. 6,341,265).

Further, in the Office Action, claim 24 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Chapman, Little, and Provost* in further view of *Wiggins* (U.S. Patent Pub. No. 200/0120473).

Applicant has already presented general arguments in regard to these cited references in the Amendment filed November 6, 2009. In addition, Applicant presents the following remarks regarding the amended and newly-added claims in the present Amendment.

Specifically, independent claim 22 has been amended to describe, among other claim elements, the functionality of for each substantive response received from the plurality of insurance payers that includes claim rejection data, associating each payer claim rejection identifier in the claim rejection data with one of a plurality of predefined claim rejection categories and one of a plurality of predefined rejection descriptions in the claim management database as a function of claim rejection identifier type, and then using that association to determine and display predefined claim rejection categories and predefined rejection descriptions for a particular medical claim to a particular medical provider to enable the provider to take further action on the claim, if necessary. Support for these amendments may be found in the as-filed specification on pages 5–7, 10–11, 21, and 25; FIGS. 1, 4, and 12–16; and in other locations not specifically mentioned.

As described in the as-filed application, insurance payers often provide “error messages that are non-user friendly and ambiguous,” and that “[t]hese errors messages make it difficult to determine the reason for a rejection.” [Specification, p. 6]. The application goes on to state that “[s]upplementing the error code with user friendly and easy to understand messages helps staff identify the true reason for a rejection.” [*Id.*]. In essence, amended independent claim 22 describes at least the functionality of being able to receive a plurality of different kinds of rejection identifiers from across a plurality of different payers, associate those messages with predefined categories and descriptions that are easy for a medical provider to understand, and display those categories and descriptions to the medical providers for future claims as appropriate. This claimed functionality is simply not described, taught, or suggested in any of the cited references, whether taken alone or in combination.

Regarding new claim 53, this claim is generally directed to the concept of profiling payers to provide useful information to medical providers regarding anticipated response or report types, and anticipated response times from the payers for submission of medical claims. These profiles are generated by generating claim history data from payer responses indicative of response types and response times for each payer, identifying patterns in the claim history data, and generating profiles for each payer based on the identified patterns in the claim history data. Support for these amendments may be found in the as-filed specification on pages 5, 9–11, 17, and 35; FIGS. 1, 4, and 14–16; and in other locations not specifically mentioned. Thus, as new claims are received by the intermediary claim management system, the system can anticipate a response type and response time for the particular payer based on the particular payer's profile and based on information in the particular claim, and can "indicate[] which reports are expected back and when they should be received." [Specification, p. 11]. Additionally, as described in dependent claim 54, an alert can be provided to a medical provider in the event that a response is not received within the expected time frame. Again, this functionality is simply not described, taught, or suggested in any of the cited references, whether taken alone or in combination.

Accordingly, Applicant asserts that because *Chapman*, *Little*, or *Provost* (or any of the other cited references), whether taken alone or in combination, simply fail to teach, describe, or suggest the elements of independent claims 22 and 53, the 35 U.S.C. § 103(a) rejection of these claims premised on these references is improper and should be withdrawn.

Additionally, although not specifically discussed, because the dependent claims in the application merely provide additional elements or limitations to the independent claims from which they depend, they should also be allowable, on their own merits as providing unique additional functionality, and separately under the doctrine of *In re Fine*, 5 U.S.P.Q.2d 1597 (Fed. Cir. 1988), which stands for the proposition that if an independent claim is patentable, a dependent claim should also be patentable as it provides further limitations to the independent claim from which it depends.

For the sake of brevity, not every claim or claim element and its associated rejection has been discussed in this Amendment. However, Applicant does not acquiesce in any of the

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Examiner's assertions and comparisons regarding the cited references and the present claims, regardless of whether they have been specifically addressed in this Amendment.

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Conclusion

The foregoing is presented as a supplement to the Amendment filed on November 6, 2009, and in conjunction with that Amendment, provides a full and complete response to the Office Action mailed May 7, 2009, and is believed to have placed claims 22, 25, 28, 29, 31-35, 39-42, and 44-56 in condition for allowance. Such action is courteously solicited. If any issues remain that can be resolved by telephone, the Examiner is respectfully requested to contact the undersigned at 404-364-7421.

Additionally, please note that the current Amendment includes 26 total claims and 2 independent claim. Because Applicant previously paid for 23 total claims and 3 independent claims, additional claims fees for three (3) additional dependent claims are believed due. If our assessment of additional fees due is in error, please charge any fees that might be due or credit any overpayment to our Deposit Account No. 50-3537.

It is now believed that the application is in condition for allowance and such allowance is respectfully requested.

Respectfully submitted,

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